

REMARKS/ARGUMENTS

Claims 1, 2, 4, 5, and 7-21 are currently pending in the present application. Claim 3 was previously cancelled. Claim 6 has been cancelled without prejudice or disclaimer. Claims 13-21 have been added.

Claim 1 has been amended. Support for the amendment to claim 1 and new claims can be found throughout the claims and present specification, e.g., at page 13, lines 16 to 19 and in the inventive and comparative examples, as originally filed. No new matter has been added.

Applicants wish to thank Examiner Kollias and Supervisory Patent Examiner Shosho for the courtesies extended to Applicant's representative at the interview held on May 8, 2009. At that time, the rejections of record and above amendments for the Examiner's reconsideration of the application were discussed.

Accordingly, reconsideration of the present application is requested in view of the above amendments, new claims, and following remarks.

Rejection under 35 U.S.C. § 112, first paragraph

The rejection of claims 1-12 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement is traversed in view of the above amendment and the reasons below.

According to the Office, the limitation of "an average pressure build-up of the polymerized product is about 7 bar/kg" is only described for a specific composition in the examples and not for a generic composition.

However, Applicant points out that claim 1 recites a process and not a composition. Further, the written description requires that the specification convey with *reasonable* clarity to those skilled in the art that, as of the filing date, Applicant was in possession of the invention. Based on the present specification, Applicant submits that possession is clearly shown, e.g., by the description which shows process that includes all of the recited ranges for the components of the polymerized product made by the process. The examples are further provided, which are not required but clearly show the resulting properties of a pigmented polyamide made by the process. Therefore, the rejection should be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

The rejection of claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite, is traversed in view of the amendment to claim 1. According to the Examiner, the limitation of “an average pressure build-up of the polymerized product is about 7 bar/kg” does not indicate to which quantity the average build-up is relative to. However, Applicant points out that the measurement (relative to the filtration of the product), as described in the examples, would be understood by one of ordinary skill in the art. In particular, the examples clearly describe that the “average mean pressure build-up [is] *determined as a difference between the final pressure and the initial pressure upstream of the filter, divided by the amount put through.*” Claim 1 has been amended to recite how the pressure build-up is determined. Therefore, the rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

The rejection of claims 1 and claims 3-7 under 35 U.S.C. § 103(a) as obvious over Wehr (U.S. Patent No. 4,879,120) and Seeger (U.S. Patent No. 5,540,499); claims 2 and 8-11 as The rejection of claims 1 and 4-7 are rejected under 35 U.S.C. § 103(a) as obvious over Wehr (US Patent No. 4,879,120) in view of Seeger (US Patent No. 5,540,499); claims 2 and 8-9 as obvious over Wehr and Seeger, and further in view of Strehler et al.; claims 8-9 as obvious over Wehr and Seeger, and further in view of Strehler et al.; and claim 12 is rejected under 35 U.S.C. § 103(a) as obvious over Wehr and Seeger, and further in view of Belde et al. (US Patent No. 4,474,681) are rejected for reasons of record and the reasons discussed below.

The Office asserts in the “Response to Arguments” section of the present Office Action that Wehr in view of Seeger describe the identical composition and process as presently claimed. Therefore, it would obvious to obtain the claimed pressure build-up. The Office also asserts that Wehr describes that “water is evaporated and the concentrate (water and un-reacted monomers) are added back during polymerization together with fresh caprolactam in order to obtain a polycaprolactam which contains less than 1 wt% of monomeric caprolactam.” Therefore, the process step of “water is removed from the product mixture before or during the polymerization” is met.

However, Applicant points out that the Office has not shown any motivation to modify Wehr with a reference that merely describes a machine for dispersing powders such as “starch, bentonite, Aerosil, Carbopol, pectin, kaolin, cellulose, etc.” In particular, there is no description in Seeger of a process that includes the recited pressure build-up or resulting in a polymerized product. Therefore, the Office is clearly relying on improper hindsight reasoning to reconstruct the claimed invention, based on non-analogous disclosures.

Further, Applicant points that the Office has not considered the references as a whole, including disclosures that teach away from the claimed invention. In particular, as previously pointed out, Wehr describes extracting monomeric caprolactam and oligmers with water then evaporating the extract to concentrate monomer and oligmer, which is clearly not the claimed process.

Therefore, the claimed process is clearly non-obvious. Accordingly, withdrawal of the rejections is requested. Applicant also submits that newly added claims 13-21 are novel and non-obvious over the cited references of record.

Double Patenting/Obviousness Rejection

The rejection claim 5 on the grounds of double patenting over claim 17 of Lausberg et al. (U.S. Patent No. 5,179,164), and as obvious over Lausberg et al. are respectfully traversed for reasons of record and the reasons below.

In particular, as shown above, claim 5 has been amended to include components and properties of the polyamide composition, which are not described or suggested by a composition consisting essentially of the components of claim 17 of Lausberg et al.

Therefore, the double patenting and obviousness rejections should be withdrawn.

In light of the foregoing, Applicants submit that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00082-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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